

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EVAN MOORE,

Plaintiff,

v.

No. 13-cv-0756 JAP/SMV

SHANE TURPEN and JOE MARTINEZ,

Defendants.

**ORDER GRANTING
DEFENDANTS' MOTION TO STAY AND FOR PROTECTIVE ORDER**

THIS MATTER is before the Court on Defendants' Motion for Stay of Discovery, Request for Entry of Pr[ot]ective Order and Memorandum in Support [Doc. 24], filed on January 28, 2014. Plaintiff has filed no response, and the time for doing so has passed. The Court finds that Plaintiff's failure to respond constitutes consent to grant the motion. *See* D.N.M.LR-Civ. 7.1(b). The Court further finds that Defendants are entitled to a stay pending ruling on their motion for summary judgment based on qualified immunity, [Doc. 21]. *See Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendants' Motion for Stay of Discovery, Request for Entry of Pr[ot]ective Order and Memorandum in Support [Doc. 24] is **GRANTED**. Proceedings in this case are **STAYED** pending ruling on Defendants' motion for summary judgment based on qualified immunity [Doc. 21]. Finally, Defendants are protected from having to respond to any pending discovery requests or having to appear for depositions as long as the case is stayed.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge